

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 3-6, 10-19 and 24-32 are pending, with Claims 3-6, 10-16, 18-19 and 24-29 and 31-32 amended by the present amendment.

In the Official Action, Claim 24 was rejected under 35 U.S.C. § 112, second paragraph; Claims 3, 5-6 and 11-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jones (U.S. Patent No. 6,606,506) in view of Sony CDP-X77ES (hereinafter Sony) in view of Stein (U.S. Patent No. 5,905,947); Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Jones, Sony, Stein and Hall (U.S. Patent No. 6,307,945); Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Jones in view of Sony, Stein and Vogel (GB 2316788a); Claims 10, 14, and 25-32 were allowed; and Claims 15-19 were indicated as containing allowable subject matter.

Applicants acknowledge with appreciation the indication of allowable subject matter.

Claim 24 is amended to overcome the rejection of 35 U.S.C. § 112. Claims 10 and 24 are similarly amended so as to more clearly describe and distinctly claim Applicants' invention. Support for this amendment is filed in Applicants' originally filed specification. Claims 3-6, 10-19 and 24-32 are also amended for punctuation. No new matter is added.

Claim 3 is amended to more clearly describe and distinctly claimed Applicants' invention. Support for this amendment is found in Applicants' originally filed specification. No new matter is added.

Briefly recapitulating, amended Claim 3 is directed to an audio system including a head attachment audio unit having a reproduction portion configured to reproduce audio information stored in a memory portion and an output portion configured to output sound according to the reproduced audio information. The audio system also includes a remote

control unit having a plurality of operation buttons, each operation button configured to implement a corresponding one of a plurality of operation modes for audio reproduction, the plurality of operation modes comprising a start reproducing audio information mode, a stop reproducing audio information mode, a reversing mode and a fast forwarding mode, the remote control unit configured to transmit a control signal that controls the plurality of operation modes for audio reproduction of the reproduction portion, the remote control unit transmitting the control signal to the head attachment audio unit via a wireless connection. The remote control unit includes a transmitter configured to transmit the control signal, the transmitter including an antenna configured to transmit electromagnetic waves. The remote control unit also includes a shield unit in which the antenna is disposed. The shield unit has an opening at a prescribed position thereof, and is configured to allow the electromagnetic waves to be transmitted out therefrom.

As acknowledged in the Official Action, the Jones and Sony references do not disclose or suggest transmitting radio waves via an antenna inserted through a shield. The Official Action cites to Stein, column 7, lines 35-60 and Figures 3-12 as disclosing a headphone remote having a radio antenna insertable through a shield.¹ Applicants traverse this characterization of Stein and note that Figure 3 of Stein discloses an antenna bar 140 which is pivotally mounted through pivot antenna mount 141 to rotate about a base structure 142.² Furthermore, Stein does not disclose or suggest a shield unit in which an antenna is disposed. Stein also does not disclose or suggest an opening within a shield that is configured to send electromagnetic waves out therefrom as recited in Applicants' amended Claim 3.

¹ Official Action page 4, lines 11-15.


² Stein column 7, lines 44-47; Figure 3.

MPEP §706.02(j) notes that to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Also, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Without addressing the first two prongs of the test of obviousness, Applicants submit that the Official Action does not present a *prima facie* case of obviousness because Jones, Sony, and Stein each fail to disclose all the features of Applicants' claimed invention.

Accordingly, in view of the present amendment and in light of the previous discussion, Applicants respectfully submit that the present application is in condition for allowance and respectfully request an early and favorable action to that effect.

Respectfully submitted,

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